

REMARKS

Reconsideration and allowance of this application are respectfully requested.

I. Summary of the Non-final Office Action

Claims 1-17 are pending in the application.

Claim 17 is rejected under 35 U.S.C. § 101 as the claimed invention is alleged to be directed to non-statutory subject matter.

Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Forslow* (USP 6,973,057; "*Forslow*").

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Forslow* in view of Thubert et al. (US Pub. No. 2004/0098507; "Thubert").

Claims 11-16 are allowed.

Claims 2, 4, 6 and 9 are objected to as dependent upon an allegedly rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Summary of the Amendment

In this Amendment, Applicant amends claim 17, and adds new claims 18-24 to more fully cover the present invention. No new matter is added.

III. Analysis of 35 U.S.C. § 101 Rejection

As Applicant amends claim 17, Applicant respectfully submits that this rejection of the claim should be withdrawn.

IV. Analysis of 35 U.S.C. § 102(e) Rejection

Claims 1 and 7

In rejecting claim 1, the Examiner relies on *Forslow* which provides a disclosure related to mobile node management. The Examiner cites col. 21 line 64 through col. 22 line 21, and col. 23 line 59 through col. 24 line 35 of *Forslow*.

Applicant respectfully traverses the Examiner's rejection.

Forslow is not sufficient to *anticipate* the claimed multi-home agent control apparatus under 35 U.S.C. § 102(e), because the reference fails to disclose at least the specific functional aspects of the claimed apparatus which use a home agent list and a preference value of each of a plurality of home agents.

One exemplary embodiment of the present invention is characterized in that the claimed multi-home agent control apparatus selects a home agent based on priority among a plurality of home agents considering the status of each home agent (see paragraph [31] of the specification). In order to establish the priority, the claimed apparatus comprises a preference value calculation unit which calculates *a preference value of each of the home agents using the home agent list* stored in a memory.

Forslow also discloses an apparatus (a public mobile access network) which flexibly controls mobile nodes encompassing home agents and foreign agents. However, this reference is particularly directed to providing multi-protocol label path switching (MPLS) by which packets of a same forwarding equivalence class is delivered over a same path regardless of their destination.

In the aspect of home agent selection, *Forslow* appears to disclose in part that a home agent is dynamically selected based on subscription and/or network condition; but the reference does not disclose *how* a preferred home agent is selected. In other words, *Forslow* does not teach the *particular processes of creating a home agent list and calculating a preference value of each home agent using the home agent list* as claimed.

Therefore, Applicant respectfully submits that *Forslow* should not be viewed as anticipating claim 1 and corresponding method claim 7 as this reference fails to teach each and every feature of the claims.

It is also submitted that other rejected claims 3, 5, 8 and 10 should be allowable at least by virtue of their dependency on claim 1 or 7.

III. New Claims

Applicant adds new claims 18-23 which details the home agent list of claims 1 and 7 based on paragraphs [51], [61], [62] and Fig. 10 of the specification.

Applicant also adds new apparatus claim 24 corresponding to method claim 11.

Entrance and allowance of the new claims are respectfully requested.

IV. Allowable Claims

Applicants respectfully request the Examiner to hold the rewriting of the claims in abeyance until the arguments presented with respect to rejected claims have been reconsidered.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No.: 10/804,215

Attorney Docket No.: Q80269

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

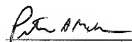
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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